

# Staff Summary Report



Council Meeting Date: 12/04/03

Agenda Item Number: \_\_\_\_\_

**SUBJECT:** This is the first public hearing to abandon the South 245.23 feet of Sunset Drive, South of Apache Boulevard, West of Rural Road and a request to continue the second public hearing from December 18, 2003, to January 8, 2004.

**DOCUMENT NAME:** 20031204PWMG02 **RIGHT OF WAY ABANDONMENT (0901)**  
ORDINANCE NO. 2003.32

**SUPPORTING DOCS:** Yes

**COMMENTS:** On behalf of Arizona State University, Century Development has requested this abandonment to allow construction of a new student housing community. A public utility easement will be maintained over the abandoned right of way. This abandonment is also contingent upon the design of a cul de sac for ingress and egress.

**PREPARED BY:** CAROL MARTSCH, SENIOR ENGINEERING ASSOCIATE (x8524)

**REVIEWED BY:** ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

**LEGAL REVIEW AS TO FORM:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Adopt Ordinance No. 2003.32 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE NO. 2003.32

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PORTION OF SUNSET DRIVE, LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP ONE NORTH, RANGE 4 EAST, G&SRB&M.

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WHEREAS, it has been determined by the City Council of the City of Tempe that a portion of Sunset Drive is no longer needed; and,

WHEREAS, it is necessary to reserve a public utility easement within the roadway for existing and future public utilities and emergency vehicles, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. The South 245.23 feet of Sunset Drive, and described and shown on Exhibit "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in the portion of the right of way to be abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the land is a part.

SECTION III: This abandonment is contingent upon the dedication of a cul de sac to the City of Tempe at the north terminus of Sunset Drive to accommodate emergency, refuse and other utility vehicles.

SECTION IV: The Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk